

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

SAMSUNG’S OPPOSED MOTION FOR CONTINUANCE

Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc., (collectively, “Samsung”) move for a continuance of the August 16, 2024 trial date set by the Court to commence on July 16, 2024. The newly set date presents a direct conflict with the pre-existing trial schedules of Samsung’s trial counsel, including Samsung’s lead trial counsel, Ruffin Cordell, as well as Samsung’s sole technical expert, Dr. Daniel Schonfeld.

Counsel for Samsung, Mr. Cordell, as well as Mr. Michael McKeon, represent Lenovo adverse to InterDigital in an investigation in the United States International Trade Commission (ITC Inv. No. 337-TA-1373), and trial in that matter runs from August 13, 2024 to August 19, 2024. Thus, the ITC trial conflicts with the August 16, 2024 trial date in this case. Ex. 1. Both Mr. Cordell and Mr. McKeon will have significant and leading roles in this ITC matter, including opening and closing statements and significant direct and cross-examinations. Critically, Samsung’s sole technical expert in this case, Dr. Schonfeld is a technical expert who will testify and otherwise attend all days of the proceeding at that same ITC trial.

As this Court is aware, Mr. Cordell and Mr. McKeon have long been trial counsel for Samsung, and are both integral to Samsung's representation. Samsung intends for Mr. Cordell and Mr. McKeon to handle opening, closing, and significant witness examinations. Maintaining the current trial date, therefore, would deprive Samsung of its chosen counsel.

In the interest of providing a suitable alternative to the Court that does not run afoul of other counsel and expert witness trial conflicts, Samsung respectfully submits that its counsel and witnesses are available to begin trial on October 28, 2024.

Dated: July 17, 2024

Respectfully submitted,

By: /s/ Thad C. Kodish

Ruffin B. Cordell

TX Bar No. 04820550

Michael J. McKeon

DC Bar No. 459780

mckeon@fr.com

Jared Hartzman (*pro hac vice*)

DC Bar No. 1034255

hartzman@fr.com

FISH & RICHARDSON P.C.

1000 Maine Avenue, SW, Ste 1000

Washington, D.C. 20024

Telephone: (202) 783-5070

Facsimile: (202) 783-2331

Thad C. Kodish

GA Bar No. 427603

tkodish@fr.com

Benjamin K. Thompson

GA Bar No. 633211

bthompson@fr.com

Nicholas A. Gallo (*pro hac vice*)

GA Bar No. 546590

gallo@fr.com

Steffen C. Lake (*pro hac vice*)

GA Bar No. 512272

lake@fr.com

Sara C. Fish
sfish@fr.com
GA Bar No. 873853
Noah C. Graubart
GA Bar No. 141862
graubart@fr.com
Katherine H. Reardon
NY Bar No. 5196910
reardon@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Leonard E. Davis
TX Bar No. 05521600
ldavid@fr.com
Andria Rae Crisler
TX Bar No. 24093792
crisler@fr.com
Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)
CA Bar No. 317591
John W. Thornburgh
CA Bar No. 154627
thornburgh@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Melissa R. Smith
State Bar No. 24001351
Melissa@gillamsmithlaw.com
Harry L. Gillam, Jr.
State Bar No. 07921800

gil@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Andrew Thompson (“Tom”) Gorham
State Bar No. 24012715
tom@gillamsmithlaw.com
James Travis Underwood
State Bar No. 24102587
travis@gillamsmithlaw.com
GILLAM & SMITH, LLP
102 N. College, Ste. 800
Tyler, Texas 75702
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Grant Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
Jon Hyland
jhyland@hilgersgraben.com
Texas Bar No. 24046131
Theodore Kwong
tkwong@hilgersgraben.com
Texas Bar No. 4087871
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: 469-751-2819

Lance Lin Yang
CA. Bar No. 260705
Lanceyang@quinnemanuel.com
Sean S. Pak
CA Bar No. 219032
seanpak@quinnemanuel.com
**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600

ATTORNEYS FOR DEFENDANTS

**SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.**

FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on July 17, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and via electronic mail.

/s/ Thad C. Kodish

Thad C. Kodish

CERTIFICATE OF CONFERENCE

I hereby certify that local counsel for the parties met and conferred regarding this motion on July 17, 2024. Plaintiff opposes this motion.

/s/ Thad C. Kodish

Thad C. Kodish